



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

March 11, 2020

FILED BY ECF

The Honorable Alison J. Nathan
United States District Judge
Southern District of New York
United States Courthouse
40 Foley Square, Courtroom 1306
New York, New York 10007

Re: *United States v. Ali Sadr Hashemi Nejad*, 18 Cr. 224 (AJN)

Dear Judge Nathan:

This evening, the Government asked defense counsel if he would object to the Government using the term “front company” in its closing argument. Defense counsel stated that there is no “factual predicate to use that term,” since there is witness testimony (the Government assumes, from Ali Sadr) that “Clarity and Stratus Turkey were real companies doing real business.” That is an argument the defense can make in their own argument. The Government respectfully submits, however, that the term is a useful descriptor for a concept that would otherwise take several words to communicate, two witnesses testified about the concept during trial, and there is nothing unduly prejudicial about the term, especially in the context of closing arguments.

As the Court will recall, the parties briefed this issue *in limine*. At the final pretrial conference on February 10, 2020, the Court stated:

THE COURT: So I do think it turns on the facts a bit, and again this bleeds into the expert issue to some extent. My inclination at this point is to not allow it in opening, and then we will see how the evidence plays out for me to assess whether I will allow the government to argue it in summation. So we will do that for now.

THE COURT: Well, I think at a certain point you can't get to dictate precise language, and the question is whether it's a useful descriptor and unduly prejudicial. I'm not going to allow the government to use “shell company” or “front company” in its opening, leaving the possibility – if the evidence plays out – of permitting it in argument. But to the extent the government wants to say something like the company served as a front, I will allow that in opening, but we will leave it at that.

Tr. at 75-76.

For these reasons, the Government respectfully requests to use the term “front company” during its closing argument.

cc: Defense Counsel (by ECF)